

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Anthony Clark,	)	Civil Action No.: 0:20-cv-01865-RBH
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
South Carolina Department of Corrections,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Paige J. Gossett, who recommends remanding this case to state court.<sup>1</sup> *See* ECF No. 42.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party has filed objections to the R & R, and the time for doing so has expired.<sup>2</sup> In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983).

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<sup>1</sup> The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.).

<sup>2</sup> Defendant’s objections were due by November 12, 2020, and Plaintiff’s objections were due by November 16, 2020. *See* ECF Nos. 42 & 43.

The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge’s R & R [ECF No. 42] and **REMANDS** this case to the Court of Common Pleas for Dorchester County, South Carolina.<sup>3</sup>

**IT IS SO ORDERED.**

Florence, South Carolina  
December 1, 2020

s/ R. Bryan Harwell  
R. Bryan Harwell  
Chief United States District Judge

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<sup>3</sup> The Magistrate Judge denied Plaintiff’s motion to amend [ECF No. 20], and consistent with the R & R, the Court **FINDS** Defendant’s motion to dismiss [ECF No. 30] is **MOOT**.